IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NOs : 12496, 12497, AND 12502 OF 2005

WRIT PETITION No.12496 of 2005

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Between:

Smt. Vanthala Atchayamma D/o Late Pappula Mallaiah
Rajavommangi Mandal, East Godavari district

..... PETITIONER

AND

1 The Government of Andhra Pradesh, rep by Secretary,

Social Welfare Department, Secretariat, Hyderabad.

2 The Additional Agent to the Government,

Rampachodavaram, East Godavari District.

3 The Special Deputy Collector, Tribal Welfare,

Rampachodavaram, East Godavari District

4 The Mandal Revenue Officer, Rajavommangi,

East Godavari District

5 Puttapalli Chinnayya S/o Vinayakudu,
R/o Sarabhavaram (V), Rajavommangi Mandal,

East Godavari District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate Writ declaring the action of the 1st respondent in not suspending the operation of the order made in CMA No. 18 of 2004 on the file of the court of the 2nd respondent dt 23-10-2004arising out of L.T.R.P. No. 64 of 2000 dt 4-10-2002 on the file of the Court of the 3rd respondent pending disposal of the above Writ Petition statutory revision petition bearing Letter NO. 4128/LTR-2/2005-2 dt 23-5-2005 of the 1st respondent.

Counsel for the Petitioner : MR.S.R.SANKU

Counsel for the Respondents : GP FOR SOCIAL WELFARE

WRIT PETITION NO : 12497 of 2005

Between:

Kadakula Samba Murthy, s/o Nookayya, Hindu,
R/o Kindra Village, Rajavommangi Mandal,

East Godavari District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,

Social Welfare Department, Secretariat, Hyderabad.

2 The Additional Agent to Government,

Rampachodavaram, East Godavari District.

3 The Special Deputy Collector, Tribal Welfare,

Rampachodavaram, E.G. District.

4 The Mandal Revenue Officer, Rajavommangi,

East Godavari District.

5 Konala Peddabbai, Hindu, S/o --
Major, R/o Kindra (V), Rajavommangi (M),

East Godavari District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ, declaring the action of the 1st respondent in not suspending the operation of the order made in CMA.No. 15 of 2004 on the file of the 2nd respondent dt. 23-10-2004 arising out of LTRP. No. 112 of 2000 on the file of the 3rd respondent dated 07.11.2002 pending disposal of the statutory Revision Petition bearing letter No. 4125/LTR-/2005-2 dt. 23-5-2005 on the file of the 1st respondent.

Counsel for the Petitioner:MR.S.R.SANKU

Counsel for the Respondents: GP FOR SOCIAL WELFARE

WRIT PETITION NO : 12502 of 2005

Between:

Surala Snayasamma W/o. Demudu, Hindu
R/o. Indra Village, Rajavommangi Mandal,

E.G. District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh, Rep. by its Secretary,

Social Welfare Department, Secretariat, Hyderabad.

2 The Additional Agent to Government,

Rampachodavaram, E.G. District.

3 The Special Deputy Collector, Tribal Welfare,

Ramapachodavaram, W.G. District.

4 The Mandal Revenue Officer, Rajavommangi, E.G.District.

5 Busara Bhimaraju , S/o. Lakshmaiah, Hindu, aged about : Major,
R/o. Indra (V) Rajavommangi (M) E.G. District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus or any other

appropriate writ, declaring the action of the respondent in not suspending the operation of the order made in C.M.A.No. 25 of 2004 on the file of the Court of the 2nd Respondent dt. 19-2-2004 arising out of L.T.R.P.No. 115 of 2000 dt. 13-9-2002 on the file of the 3rd Respondent pending disposal of the statutory revision petition bearing Letter No. 4127/LTR-2/2005-2 dt. 23-5-2005 on the file of the 1st Respondent and pass such other or further order as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.S.R.SANKU

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court made the following :

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C O M M O N O R D E R

These three writ petitions have been filed by the three petitioners aggrieved by the inaction of the 1st respondent-Government in not granting stay orders, pending disposal of the revisions filed by them against the orders of the Agent to the Government, where the ejectment orders passed by the Special Deputy Collector, Tribal Welfare, Rampachodavaram, East Godavari District, were confirmed.

According to the petitioners, they filed revisions under the Statute and pending disposal of the revisions, they sought for protection of their possession from being evicted by the respondents. However, the 1st respondent passed orders mechanically without considering the contentions and even giving valid reasons, and therefore, sought to set aside the impugned orders and direct the respondents not to dispossess them pending disposal of the revisions.

Heard the learned counsel for the petitioners and the respondents.

As the revisions filed by the petitioners are pending before the 1st respondent and pending the statutory right to be exhausted by the petitioners, it is not appropriate to dispossess the petitioners, as the ejectment orders passed by the Special Deputy Collector, Tribal Welfare have not become final.

In order to maintain the same status as it was during the pendency of the proceedings before the lower authorities, the respondents are directed not to evict or eject the petitioners from the possession of the respective extents specified in the orders of the Special Deputy Collector, Tribal Welfare, pending disposal of the revisions filed by them. The 1st respondent-Government is also further directed to dispose of the revisions filed by the petitioners, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

With the above directions, all these writ petitions are disposed of. No costs.

JUSTICE S.ANANDA REDDY

15TH JUNE, 2005.

PGS

To

1 The Government of Andhra Pradesh, rep by Secretary,

Social Welfare Department, Secretariat, Hyderabad.

2 The Additional Agent to the Government, Rampachodavaram,

East Godavari District.

3 The Special Deputy Collector, Tribal Welfare, Rampachodavaram,

East Godavari District

4 The Mandal Revenue Officer, Rajavommangi, East Godavari District

5 2 CD copies

6) 2 CCs to G.P. for Social Welfare, High Court Buildings, Hyderabad.

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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AND 12502 OF 2005

15TH JUNE, 2005.